

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARVIN MORAN,

Case No. 3:21-cv-00050-MMD-WGC

Petitioner,

ORDER

v.

LOVELOCK CORRECTIONAL CENTER
WARDEN, *et al.*,

Respondents.

This habeas matter is before the Court on Petitioner Marvin Moran's Motions to Extend Stay (ECF Nos. 19, 21). Respondents filed Non-Oppositions to both motions. (ECF Nos. 20, 23.) On October 20, 2021, the Court granted Petitioner's motion for stay and abeyance pending exhaustion of the unexhausted claims in state court. (ECF No. 16.) Petitioner seeks an extension of the stay because he is seeking *certiorari* review. The Court finds that the request is made in good faith and not solely for the purpose of delay, and therefore, good cause exists to grant the motions.

It is therefore ordered that Petitioner's Motions to Extend Stay (ECF Nos. 19, 21) are granted.

It is further ordered that the grant of a stay is conditioned upon Petitioner filing, if same is not already pending, a petition for writ of certiorari seeking review of the Nevada Court of Appeals' decision within forty-five days of entry of this order¹ and returning to federal court with a motion to reopen within 45 days of an order denying his petition for writ of certiorari. If the petition for writ of certiorari is granted, Petitioner must file a status

¹Petitioner remains responsible at all times for calculating the deadline to file a petition for writ of certiorari and for calculating the running of the federal limitation period and timely asserting claims, without regard to any court-ordered deadlines or extensions.

1 report in this action within 30 days of an order granting such relief.

2 It is further ordered that, with any motion to reopen filed following completion of all
3 state court and/or appellate proceedings pursued, Petitioner: (a) must attach supplemental
4 exhibits containing the new state court pleadings and the state court written decisions
5 thereon; and (b) if Petitioner intends to amend the federal petition, must file a motion for
6 leave to amend along with the proposed verified amended petition or a motion for
7 extension of time to move for leave.

8 It is further ordered that the Court will reset the briefing schedule upon reopening
9 the case and lifting the stay. No claims are dismissed by this order, and a reopened action
10 will proceed under the same docket number.

11 DATED THIS 17th Day of April 2024.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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